

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
STATED MEETING
TUESDAY, JUNE 10, 2014

Committee of the Whole 7:30 P.M.
Stated Meeting 8:00 P.M.
City Council Chambers

TIME: 8:35PM

PRESENT: PRESIDENT OF THE COUNCIL
 LIAM J. MCLAUGHLIN

DISTRICT:

6	MAJORITY LEADER JOHN J. LARKIN
3	MINORITY LEADER MICHAEL R. SABATINO

COUNCIL MEMBERS:
DISTRICT:

1	CHRISTOPHER A. JOHNSON
2	CORAZON PINEDA
4	DENNIS E. SHEPHERD
5	MICHAEL B. BREEN

Recitation of the Pledge of Allegiance to the Flag followed by a minute of silence to invoke God's guidance and Blessing upon our deliberations.

Minutes of the stated meeting held on May 27, 2014 approved on motion of Majority Leader Larkin.

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COMMUNICATIONS FROM CITY OFFICIALS

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COMMUNICATIONS - GENERALLY

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COMMITTEE OF THE WHOLE

NO SPEAKERS

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GENERAL ORDINANCE NO.3-2014

1. BY COUNCIL PRESIDENT MCLAUGHLIN, MAJORITY LEADER LARKIN, MINORITY LEADER SABATINO, COUNCILMEMBERS JOHNSON, PINEDA, SHEPHERD AND BREEN:

A GENERAL ORDINANCE AMENDING GENERAL ORDINANCE NO.4-2000 ALSO KNOWN AS CHAPTER 43 OF THE CODE OF THE CITY OF YONKERS, COMMONLY KNOWN AS THE ZONING ORDINANCE OF THE CITY OF YONKERS AND THE ACCOMPANYING ZONING MAP TO AMEND A COMPREHENSIVE DEVELOPMENT PLAN FOR A PLANNED MULTI-USE DISTRICT IN THE CITY OF YONKERS.

RECITALS AND LEGISLATIVE FINDINGS

WHEREAS, FC Yonkers Associates, LLC(hereinafter "Petitioner") is the owner of a Planned Multi-Use District in the City of Yonkers, commonly known as "Ridge Hill Village", which consists of approximately 81.4 acres and is also designated on the tax assessment map of the City of Yonkers as Block 4061, Lot 1; Block 4062, Lot 1; Block 4063, Lot 1; Block 4064, Lot 1; Block 4065, Lot 1; Block 4066, Lot 1; Block 4067, Lot 1; Block 4068, Lot 1; Block 4069, Lots 1 and 2; Block 4070, Lot 1; Block 4071, Lot 1; Block 4072, Lots 1 and 5; Block 4073, Lot 1; Block 4075, Lot 1; Block 4076, Lots 2, 3 and 4; Block 4077, Lot 1; and Block 4078, Lot 1 (the "Property"); and

WHEREAS, on or about December 9, 2005, the City Council of the City of Yonkers adopted: a) a Findings Statement under SEQRA for proposed amendments to the Zoning Ordinance and Zoning Map of the City of Yonkers for the development of the proposed Ridge Hill project; b) adopted General Ordinance No. 13 of 2005 which established the Planned Multi-Use Development District (the "PMD District") in the City of Yonkers; c) rezoned the Property to PMD District; and d) adopted a comprehensive development plan for the Property, entitled the Comprehensive Plan for Ridge Hill Village (the "CDP"); and

WHEREAS, the development module shown on the CDP as Parcel N is currently approved for approximately 20,000 square feet of retail development in three (3) buildings; and

WHEREAS, the property adjacent to Parcel N, which is also known and designated on the tax assessment map of the City of Yonkers as Block 4077, Lot 1, commonly referred to as the former "Stackhouse Site"; and

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GENERAL ORDINANCE NO.3-2014 (CONTINUED)

WHEREAS, while the Stackhouse Site is shown on the CDP, it is not within any of the development modules, and permissible uses of the site are not identified; and

WHEREAS, in accordance with Yonkers City Code § 43-45 (J), any proposed development of the Stackhouse Site requires an amendment to the CDP; and

WHEREAS, Petitioner proposes to improve the Stackhouse Site with an approximately 5,200 square foot building and related parking and infrastructure, to be used as an "iFly" Indoor Skydiving Facility; and

WHEREAS, to accommodate the "iFly" Indoor Skydiving Facility, Petitioner requests an amendment to the CDP to: a) change the boundaries of the development module shown on the CDP as Parcel N to incorporate the Stackhouse Site; b) show an approximately 5,200 square foot building on the Stackhouse Site; c) designate the use of the Stackhouse Site as "retail"; and d) transfer the remaining 14,800± square feet of currently approved retail use and associated parking spaces that could be developed on Parcel N (in addition to the proposed 5,200 square foot building to Parcel L, as proposed in the plans hereto attached as Exhibit A (hereinafter the "Amendment")); and

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF YONKERS, NEW YORK AS FOLLOWS:

Section 1. The foregoing recitals and legislative findings are hereby affirmed, ratified, and incorporated herein.

Section 2. The Amendment is hereby ratified, adopted, approved, and incorporated into the CDP of the Property.

Section 3. This ordinance shall take effect immediately.

THIS GENERAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, JUNE 10, 2014 BY A VOTE OF 6-0. COUNCIL PRESIDENT MCLAUGHLIN RECUSED HIMSELF.

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GENERAL ORDINANCE NO.4-2014

2. BY COUNCIL PRESIDENT MCLAUGHLIN, MAJORITY LEADER LARKIN, MINORITY LEADER SABATINO, COUNCILMEMBERS JOHNSON, PINEDA, SHEPHERD AND BREEN:

AN ORDINANCE IN RELATION TO THE DISPOSAL OF GRASS CLIPPINGS AMENDING ARTICLE XXVIII OF CHAPTER 31 OF THE CODE OF THE CITY OF YONKERS ALSO KNOWN AS "DISPOSAL OF LEAVES AND OTHER ORGANIC REFUSE"

Be it ordained by the City Council of the City of Yonkers, as follows:

Section 1. Paragraph A of Section §31-221 of Article XXVIII of Chapter 31 of the Yonkers City Code entitled "Disposal of Leaves and Other Organic Refuse" is hereby generally amended and revised to read as follows:

"§ 31-221. Disposal by landscapers, permit required; fee.

A.

The Commissioner of Public Works shall designate a site for the disposal of leaves, clippings, tree limbs and other organic waste by professional gardeners and landscapers holding a valid license as required by this chapter. Said gardeners or landscapers may use such site only if they have applied for and received an access permit for such disposal. Said permit will be issued by and on a form prescribed by the Director. A decal shall be affixed and displayed on the fender of each commercial vehicle owned or leased by the professional gardener or landscaper and which vehicle is used to convey leaves, clippings, tree limbs or other organic waste. No [grass clippings,] inorganic material or other material deemed improper by the Commissioner of the Department of Public Works shall be disposed of at the site."

Section 2. This Ordinance shall take immediately.

THIS GENERAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, JUNE 10, 2014 BY A VOTE OF 7-0.

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SPECIAL ORDINANCE NO.10-2014

3. BY COUNCIL PRESIDENT MCLAUGHLIN, MAJORITY LEADER LARKIN, MINORITY LEADER SABATINO, COUNCILMEMBERS JOHNSON, PINEDA, SHEPHERD AND BREEN:

A SPECIAL ORDINANCE AUTHORIZING THE MODIFICATION OF AN ENCROACHMENT IN THE RIGHT-OF-WAY AT 48 WHISTLER ROAD SUBJECT TO CERTAIN TERMS AND CONDITIONS.

The City of Yonkers, in City Council convened, hereby ordained and enacts:

Section 1. Permission is hereby granted to Nancy Bennett, as owner (hereinafter "owner") of 48 Whistler Road, Yonkers, New York, being designated as Section 4, 4938, Lot 7, on the Official City of Yonkers Tax Map (the "Property"), to modify, construct and maintain an encroachment upon the City right-of-way located on Whistler Road in accordance with and as shown on a survey to be approved by the City Engineer and the Commissioner of the Bureau of Housing and Buildings.

Section 2. This permission is granted subject to the following terms and conditions, to wit:

- (a) That the entire cost and expense of obtaining and thereafter maintaining the encroachment on 48 Whistler Road shall be paid by the owners, its successors and/or assigns without expense to or contribution by the City of Yonkers, for as long as this encroachment shall remain in force. The encroachment will consist of the replacement of an existing stone landscaping wall with a reinforced brick landscaping wall. This wall will be curved 22.90' in length, located 5.00' northwest of the northwest corner of the property lines and not to exceed 1.25' in width and 2' in height and is in accordance with plans submitted to the Engineering Department by Nicholas L. Faustini, AIA, NYS License # 33398.
- (b) That neither the approval of the above-referred survey by the appropriate City official, nor the placement of any improvements by the owner of 48 Whistler Road upon said encroachment shall be deemed a waiver, or in any way affect the right, of the City of Yonkers to provide for construction or otherwise improve its right-of-way; provided further that the City of Yonkers reserves the right to assess

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SPECIAL ORDINANCE NO.10-2014 (CONTINUED)

the property benefited in like manner and in like effect as if approval had not been given by the City of Yonkers. The granting of this permission shall in no way free or release said owner or any successors or assigns from the payment of any assessment hereafter imposed;

- (c) That no permanent improvements will be allowed in the encroachment area;
- (d) That the owner, its successors and/or assigns, shall secure all necessary permits and consents and shall secure and maintain a property damage and public liability insurance policy naming the City of Yonkers as insured, or as an additional named insured in the amount and form satisfactory to the City Engineer and the Corporation Counsel of the City of Yonkers and provide the City with evidence thereof within thirty (30) days of approval of this encroachment;
- (e) The City of Yonkers reserves the right to revoke or terminate this permission for whatever reason, upon thirty (30) days written notice to the owner, whenever it may deem such revocation necessary; upon revocation or termination of this permission, the owner, successors or assigns shall immediately remove any improvement placed within said encroachment at the express direction of the City, and at the owners cost and expense;
- (f) That the owner, its successors and/or assigns shall, for whatever period this permission remains in effect, save harmless and indemnify the City of Yonkers for any and all claims, actions, suits, judgments, etc., including all costs related to the defense thereof.

Section 3. This ordinance shall take effect immediately.

THIS SPECIAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, JUNE 10, 2014 BY A VOTE OF 7-0.

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SPECIAL ORDINANCE NO.11 - 2014

4. BY COUNCIL PRESIDENT MCLAUGHLIN, MAJORITY LEADER LARKIN, MINORITY LEADER SABATINO, COUNCILMEMBERS JOHNSON, PINEDA, SHEPHERD AND BREEN:

AN ORDINANCE AUTHORIZING AND PERMITTING THE PROPERTY OF 211 HELENA AVE. BLOCK 4633 LOT 2 TO MAKE A LONG HOUSE CONNECTION TO THE CITY'S SANITARY SYSTEM IN HELENA AVE. (NO EXPENSE TO THE CITY OF YONKERS).

The City of Yonkers, in City Council convened, hereby ordains and enacts:

Section 1. Permission is hereby granted to the property owner of 211 HELENA AVE , Section 4, Block 4633 Lot(s) 2 (the "subject property") to make a long house sanitary sewer connection from said lot to a city sanitary sewer in HELENA AVE . at his own cost and expense and in accordance with the plan submitted by JOHN ADELY P.E #063658 dated DECEMBER 18, 2013 filed in the Plumbing Division, subject to the conditions of a Plumbing Permit to be secured from the Plumbing Division and a street opening permit to be secured from the City Engineer.

Section 2. This permission is granted under the following terms and conditions, to wit:

The granting of this permission shall, in no way, free or release the said owner, or his successors, from the payment of any assessments or benefits accruing to said lot by reason of the construction of any sanitary sewer already built, or that hereafter shall be built, to serve the area within which the lot herein referred to is located.

The cost of construction, maintenance and repairs of said long house connection shall be the responsibility of the owner of the building served by the long house connection.

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SPECIAL ORDINANCE NO.11 - 2014(CONTINUED)

The property owner(s) of Section 2, Block 4633, Lot(s) 1, 2, 3, 4, 5, 6, 7, 8, 9 his/her successors or assigns, shall further warrant that the permitted use of the subject property shall be for a one family dwelling limited to one kitchen. Said condition shall be included on the final certificate of occupancy to be filed with the Department of Housing and Buildings and shall be further subject of a restrictive covenant to be approved by Corporation Counsel and recorded with the Westchester County Clerk by the property owner, at his/her own cost and expense, prior to any future conveyance of the subject property.

Section 3. This ordinance shall take effect immediately.

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RESOLUTION NO.60-2014

5. BY COUNCIL PRESIDENT MCLAUGHLIN, MAJORITY LEADER LARKIN, MINORITY LEADER SABATINO, COUNCILMEMBERS JOHNSON, PINEDA, SHEPHERD AND BREEN:

WHEREAS, the City of Yonkers (the "City") acting by and through its Police Department desires to make an application to the United States Department of Justice ("DOJ"), Bureau of Justice Assistance to participate in the 2014 Edward Byrne Memorial Justice Assistance Grant ("JAG") Program; and

WHEREAS, this is a collaborative grant in which the City, acting by and through its Police Department, will act as the fiscal pass through agent; and

WHEREAS, the City anticipates that the DOJ Bureau of Justice Assistance will grant \$161,240.00 to four (4) agencies in Westchester County, to be split up for various law enforcement programs, as follows: (i) City of Yonkers - \$82,888.00; (ii) City of Mt. Vernon - \$53,492.00; (iii) City of New Rochelle - \$16,796.00; and (iv) County of Westchester, acting by and through its Department of Probation - \$8,064.00; and

WHEREAS, the JAG does not require match funding;

WHEREAS, the City anticipates using the grant to fund approximately 1150 hours of police overtime for the following law enforcement activities: high saturation law enforcement patrols to combat crime and quality of life complaints; administering the grant; and supporting law enforcement, investigations, and prevention programs; and

WHEREAS, the JAG application requires that the applicant make the grant application available for review by the governing body not fewer than 30 days before the application is submitted (see memo and application annexed hereto); and

WHEREAS, the City Council acknowledges and agrees that it has sufficient time to review the application, which is due for submission on or about June 10, 2014; and

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RESOLUTION NO.60-2014 (CONTINUED)

NOW, THEREFORE BE IT RESOLVED, that the Mayor of the City is hereby authorized to apply for and, if awarded, accept the JAG, in the anticipated total award amount of \$161,240.00, of which \$82,888.00 will be available to the City; and be it further;

RESOLVED, that the Mayor of the City is hereby authorized to execute an intermunicipal agreement with the above mentioned municipalities; and be it further;

RESOLVED, that this resolution shall take effect immediately.

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RESOLUTION NO.61-0214

6. BY COUNCIL PRESIDENT MCLAUGHLIN, MAJORITY LEADER LARKIN, MINORITY LEADER SABATINO, COUNCILMEMBERS JOHNSON, PINEDA, SHEPHERD AND BREEN:

A RESOLUTION OF THE CITY COUNCIL RELATING TO THE POSTING OF SIGNS PURSUANT TO SECTION 43-156 OF THE CODE OF THE CITY OF YONKERS.

WHEREAS, RMC Development Company, LLC (hereinafter the "applicant") has submitted a petition requesting an amendment to Section 43-74 of the Zoning Code of the City of Yonkers in regard to a special use permit requirement for certain business, commercial and office uses; and

WHEREAS, Section 43-156 (A) of the Yonkers City Code provides, among other things, that unless otherwise provided for by resolution of the City Council, the property subject of the application shall have notices posted by a rate one sign per 300 linear feet of frontage on each street upon which the property fronts; and

WHEREAS, due to the configuration of the Southern Westchester Executive Park, it is in the best interest of public health, safety, and welfare to provide for four signs situated on the locations marked on the map attached hereto as Exhibit A; and

NOW, THEREFORE, BE IT RESOLVED, that the applicant is required to provide for four signs situated on the locations marked on the map attached hereto as Exhibit A, and that such notice shall satisfy the requirements of Section 43-156 of the Yonkers City Code; and be it further

RESOLVED, that this resolution shall take effect immediately.

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RESOLUTION NO.62-2014

7. BY COUNCIL PRESIDENT MCLAUGHLIN, MAJORITY LEADER LARKIN, MINORITY LEADER SABATINO, COUNCILMEMBERS JOHNSON, PINEDA, SHEPHERD AND BREEN:

WHEREAS, Senate Bill S7702 and Assembly Bill A9739 have been introduced by the New York State Legislature for the purpose of extending provisions relating to owner liability for failure of operator to comply with traffic control indications in the City of Yonkers; and

WHEREAS, a home rule message is required in order to pass these bills, which will then allow the City to adopt local laws providing for the continuation of its traffic control signal photo violation-monitoring enforcement program; and

WHEREAS, Senate Bill S7702 and Assembly Bill A9739 will allow for the continuation of this program through December 1, 2019; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Yonkers hereby issues this Home Rule Request message for Senate Bill S7702 and Assembly Bill A9739, an act to amend chapter 20 of the laws of 2009 amending the vehicle and traffic law, the general municipal law, and the public officers law, relating to owner liability for failure of operator to comply with traffic control indications, in relation to extending the provisions thereof;

AND BE IT FURTHER RESOLVED, that copies of this resolution, suitably engrossed along with all necessary forms, including the Home Rule Request (request of a local government for enactment of a special law) form, be certified and transmitted by the City Clerk to the Home Rule Counsel of the State Senate and the Home Rule Counsel of the State Assembly pursuant to the rules of the New York State Senate and the New York State Assembly.

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RESOLUTION NO.63-2014

8. BY COUNCIL PRESIDENT MCLAUGHLIN, MAJORITY LEADER LARKIN, MINORITY LEADER SABATINO, COUNCILMEMBERS JOHNSON, PINEDA, SHEPHERD AND BREEN:

A RESOLUTION REQUESTING THE INTRODUCTION OF CERTAIN LEGISLATION AUTHORIZING THE DISCONTINUANCE OF IRVING PARK AND THE DEDICATION OF VACANT LAND AS REPLACEMENT PARKLAND.

WHEREAS, the City of Yonkers hereby requests that the State Legislature introduce legislation to authorize the discontinuance of a dismantled former neighborhood park as parkland and the dedication of vacant land as replacement parkland; and

WHEREAS, the parcel to be discontinued as parkland has been identified by the City of Yonkers Parks and Recreation Department as a dismantled former neighborhood park; and

WHEREAS, the former park known as Irving Park is located between Ravine Avenue and Point Street; and

WHEREAS, the City of Yonkers will then provide three city-owned parcels to be dedicated as parkland situated across the street from the present park; and

WHEREAS, the neighborhood is presently served by two active parks to the north and west; and

WHEREAS, it is the intention of the City of Yonkers to utilize the parcel towards constructing a school facility; and

WHEREAS, an analysis performed by the Yonkers Board of Education reveals that the location is well suited for the construction of an elementary school; and

NOW, THEREFORE, BE IT RESOLVED, that once bill numbers are provided, the City of Yonkers will submit a home rule message which is required in order to pass this bill;

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RESOLUTION NO.63-2014 (CONTINUED)

AND BE IT FURTHER RESOLVED, that copies of this resolution, suitably engrossed, be certified and transmitted by the City Clerk to the City's state legislative delegation requesting introduction of the aforesaid legislation.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, JUNE 10, 2014 BY A VOTE OF 7-0.

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RESOLUTION NO.64-2014

9. BY COUNCIL PRESIDENT MCLAUGHLIN, MAJORITY LEADER LARKIN, MINORITY LEADER SABATINO, COUNCILMEMBERS JOHNSON, PINEDA, SHEPHERD AND BREEN:

WHEREAS, the City Council of Yonkers strongly supports measures to encourage the use of solar power in New York State; and

WHEREAS, from time to time, it is necessary to update and amend State law to allow for new and emerging forms of investments in non-polluting, in-state energy resources that stimulate economic development and enhance energy security; and

WHEREAS, Senate Bill Number S6958A and Assembly Bill Number A9516A, concerning Power Purchase Agreements, will allow a municipality or agency to enter into an agreement with the owner of a solar photovoltaic array which generates electricity, for an agreed price, volume and duration; and

WHEREAS, this bill is essential to ensuring all municipalities and agencies in the State of New York, benefit from a clean electricity source - including schools, agencies and public authorities; and

WHEREAS, the City Council of Yonkers supports the passage of S.6958 as part of an energy program to improve air quality and reduce local reliance on imported oils; and

WHEREAS, the use of solar photovoltaic technology to generate electricity may be essential to increased use of clean, renewable electricity and to continued growth and expansion of the solar energy industry to the City of Yonkers and throughout New York State; and
WHEREAS, by allowing municipalities and agencies to enter into Power Purchase Agreements, the State of New York will be in the forefront of meeting the standards for both sustainable and renewable energy and ensuring that future generations will have the ability to meet their energy needs;

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RESOLUTION NO.64-2014 (CONTINUED)

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Yonkers hereby supports and urges the passage of Senate Bill No. S6958A and Assembly Bill No. A9516A.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, JUNE 10, 2014 BY A VOTE OF 7-0.

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10. BY COUNCIL PRESIDENT MCLAUGHLIN, MAJORITY LEADER LARKIN, MINORITY LEADER SABATINO, COUNCILMEMBERS JOHNSON, PINEDA, SHEPHERD AND BREEN:

WHEREAS, in 2012, in his State of the State Address, Governor, Andrew M. Cuomo, announced the development of the NY-SUN Initiative, a program designed to make New York State, the leader in the field of solar energy; and

WHEREAS, the NY-Sun Initiative brings together and expands existing programs administered by the New York State Energy Research and Development Authority (NYSERDA), Long Island Power Authority (LIPA), and the New York Power Authority (NYPA), to ensure a coordinated and well-funded solar energy expansion plan; and

WHEREAS, since the Governor launched NY-Sun in 2012, a total of 316 Mega Watts of solar photovoltaic (PV) systems have been installed or is under contract, more than was installed in the entire prior decade and approximately 116,000 tons of greenhouse gas emissions will be avoided with the installation of the NY-Sun projects, which is the equivalent of removing 23,000 cars from the road; and

WHEREAS, the City of Yonkers has recently experienced a steep rise in the number of applications to the Department of Housing and Buildings for the installation of solar photovoltaic systems for both residential and commercial buildings; and

WHEREAS, solar power is a clean and reliable source of energy which improves air quality and reduces local reliance on imported energy; and

WHEREAS, the City of Yonkers has partnered with the City University of New York (CUNY) under the NY Solar Smart program, a collaborative effort with over 30 statewide partners to reduce balance of systems costs for solar photovoltaic systems across New York State; and

WHEREAS, New York State has generated the New York State Unified Solar Permit to streamline the approvals process for solar panels by creating a uniform permitting process in municipalities across the State; and

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RESOLUTION NO.65-2014 (CONTINUED)

WHEREAS, by adopting the New York State Unified Solar Permit, the City of Yonkers will become eligible to receive a \$5000 grant through New York State's Cleaner, Greener Communities Program; and

WHEREAS, the New York State Unified Solar Permit calls for the participating municipalities to establish a flat permit fee for solar photovoltaic system installations which are 12 kilowatts or smaller; and

WHEREAS, the City Council will adopt a flat permit fee for the solar panels by amending the Department of Housing and Buildings' permit fee schedule by local law; and

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Yonkers hereby approves and adopts the New York State Unified Solar Permit, as modified by the Department of Housing and Buildings; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, JUNE 10, 2014 BY A VOTE OF 7-0.

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RESOLUTION NO.66-2014

11. BY COUNCIL PRESIDENT MCLAUGHLIN, MAJORITY LEADER LARKIN, MINORITY LEADER SABATINO, COUNCILMEMBERS JOHNSON, PINEDA, SHEPHERD AND BREEN:

A RESOLUTION TO ISSUE A DETERMINATION OF SIGNIFICANCE PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT ("SEQRA") RELATING TO AN AMENDMENT TO THE COMPREHENSIVE DEVELOPMENT PLAN FOR THE PROPERTY, LOCATED AT "RIDGE HILL VILLAGE", WHICH CONSISTS OF APPROXIMATELY 81.4 ACRES AND IS ALSO DESIGNATED ON THE TAX ASSESSMENT MAP OF THE CITY OF YONKERS AS BLOCK 4061, LOT 1; BLOCK 4062, LOT 1; BLOCK 4063, LOT 1; BLOCK 4064, LOT 1; BLOCK 4065, LOT 1; BLOCK 4066, LOT 1; BLOCK 4067, LOT 1; BLOCK 4068, LOT 1; BLOCK 4069, LOTS 1 AND 2; BLOCK 4070, LOT 1; BLOCK 4071, LOT 1; BLOCK 4072, LOTS 1 AND 5; BLOCK 4073, LOT 1; BLOCK 4075, LOT 1; BLOCK 4076, LOTS 2, 3 AND 4; BLOCK 4077, LOT 1; AND BLOCK 4078, LOT 1 (THE "PROPERTY").

WHEREAS, there is pending before the City Council, a proposed amendment to the CDP for the Property to: a) change the boundaries of the development module shown on the CDP as Parcel N to incorporate the Stackhouse Site; b) show an approximately 5,200 square foot building on the Stackhouse Site; c) designate the use of the Stackhouse Site as "retail"; and d) transfer the remaining 14,800± square feet of currently approved retail use and associated parking spaces that could be developed on Parcel N (in addition to the proposed 5,200 square foot building to Parcel L, as proposed in the plans hereto attached as Exhibit A;

WHEREAS, the City Council has determined that the proposed use of said property, has been reviewed as an Unlisted Action under the State Environmental Quality Review Act ("SEQRA") requiring the City Council to comply with the Regulations promulgated pursuant to SEQRA; and

WHEREAS, the City Council has carefully considered the proposed action and has reviewed the attached Environmental Assessment Form and supplemental attachments and the criteria set forth in Section 617.7 of 6 NYCRR Part 617 of the SEQRA regulations and has identified and carefully considered the relevant areas of environmental concern as are fully set forth in said Environmental Assessment Form to determine if these proposed actions will have a significant impact upon the environment; and

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NOW, THEREFORE, BE IT RESOLVED, by the Yonkers City Council that based upon the City Council's review of the Environmental Assessment Form and supplemental attachments, and for the reasons set forth therein, the City Council hereby adopts a Negative Declaration, under SEQRA, that there will be no adverse impact on the environment from Amendment; and be it further

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

THIS GENERAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, JUNE 10, 2014 BY A VOTE OF 6-0. COUNCIL PRESIDENT MCLAUGHLIN RECUSED HIMSELF.

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12. BY COUNCIL PRESIDENT MCLAUGHLIN, MAJORITY LEADER LARKIN, MINORITY LEADER SABATINO, COUNCILMEMBERS JOHNSON, PINEDA, SHEPHERD AND BREEN:

WHEREAS, the owner of the property located at 420 South Broadway, more properly known as Block 119, Lot 41 on the Tax Assessment Map of the City of Yonkers has submitted an application for a Site Plan Review and a Special Use Permit for the operation of a Rite Aid Pharmacy to the Planning Board which was approved by the Planning Board in accordance with Article VII and Article IX of the Zoning Code of the City of Yonkers; and

WHEREAS, upon review of the application and the record, this City Council believes it to be in the best interest of the City of Yonkers to grant said application.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Yonkers, in meeting assembled, that the proposed Site Plan and Special Use Permit should be granted; and be it further

RESOLVED, that upon the record and findings of the Planning Board, with respect to the application submitted the property owner, for a Site Plan Review and Special Use Permit, for the operation of a 24 hour Rite Aid Pharmacy at Block 119, Lot 41 on the Tax Assessment Map of the City of Yonkers, on the property known as 420 South Broadway, Yonkers, New York, pursuant to Article VII and Article IX of the Zoning Code of the City of Yonkers, the decision and actions of the Planning Board of the City of Yonkers are hereby approved, and this approval is subject to the conditions set forth in the decision of the Planning Board and the following two conditions: (1) The Planning Board and the City Council reserves the right to revisit this authorization should the 24 hour use become a nuisance; and (2) The pharmacy must remain open until 10:00 p.m. All of the conclusions, findings and conditions of the April 16, 2014, Planning Board resolution are hereby referenced to and made a part hereof; and be it further

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RESOLVED, that this Resolution shall take effect immediately.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A
STATED MEETING HELD ON TUESDAY, JUNE 10, 2014 BY A VOTE
OF 7-0.

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RESOLUTION NO.68-2014

13. BY COUNCIL PRESIDENT MCLAUGHLIN, MAJORITY LEADER LARKIN, MINORITY LEADER SABATINO, COUNCILMEMBERS JOHNSON, PINEDA, SHEPHERD AND BREEN:

RESOLUTION CALLING ON THE GOVERNOR, THE NEW YORK STATE ASSEMBLY, AND THE NEW YORK STATE SENATE TO ENACT THE "ABANDONED PROPERTY NEIGHBORHOOD RELIEF ACT OF 2014"

WHEREAS, in the wake of the financial crisis of 2008, there has been a marked increase in New York State in the incidence of vacant and abandoned residential properties securing delinquent mortgages, which properties frequently fall into disrepair, thus devaluing neighboring properties and harming the larger community; and

WHEREAS, these vacant and abandoned residential properties have become a blight in the City of Yonkers and in many similarly situated neighborhoods across New York State because the properties are often boarded up, dilapidated, unsafe, inhabited by squatters or used for criminal purposes; and

WHEREAS, an accumulation in a community of vacant and abandoned residential properties that are not properly secured or maintained for extended periods can cause a marked decline in our community's real estate market and the state's property tax base; and

WHEREAS, the City of Yonkers are often forced to expend taxpayer funds to prevent vacant and abandoned residential properties from becoming a public hazard, thereby depleting limited local resources; and

WHEREAS, the City of Yonkers is often forced to expend taxpayer funds to investigate and determine the ownership, occupancy and foreclosure status of vacant and abandoned residential properties in order to ensure that, where applicable, the mortgagee is complying with current obligations under Federal, State and/or local law to secure and maintain the property, thereby further depleting limited local resources; and

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WHEREAS, relevant provisions of existing State law, enacted in 2009, governing the maintenance of abandoned residential properties impose a duty on plaintiff-mortgagees to maintain vacant residential properties only after a judgment of foreclosure and sale has been entered by a court; and

WHEREAS, this recent State law has in many instances proven inadequate to address the growing number of vacant and abandoned properties falling into disrepair in the City of Yonkers because many such properties are not subject to a pending foreclosure action, and many that are subject to a pending foreclosure have not proceeded, and will not in the foreseeable future proceed, to a court judgment of foreclosure and sale; and

WHEREAS, there is evidence showing that many current and former New York homeowners have been misled into believing they need to leave their homes earlier in the foreclosure process than the law actually requires, thus resulting in even more vacant and abandoned residential properties throughout our communities; and

WHEREAS, the "Abandoned Property Neighborhood Relief Act of 2014" would help the City of Yonkers and residents across the State better address the growing problem of vacant and abandoned residential properties by creating a statewide registry of such properties that can be electronically accessed by such municipalities; and

WHEREAS, the "Abandoned Property Neighborhood Relief Act of 2014" would help the City of Yonkers and our residents across the State better address the growing problem of vacant and abandoned residential properties by imposing a duty on mortgagees and their loan servicing agents to promptly report these properties to the statewide registry and take earlier, pre-foreclosure, action to identify, secure and maintain such vacant and abandoned properties; and

WHEREAS, the "Abandoned Property Neighborhood Relief Act of 2014" would help the City of Yonkers and our residents across the State better address the growing problem of vacant and abandoned residential properties by providing a much needed and readily available source of information on vacant and abandoned residential properties to local officials throughout the State; and

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WHEREAS, the "Abandoned Property Neighborhood Relief Act of 2014" would help the City of Yonkers and our residents across the State better address the growing problem of vacant and abandoned residential properties by also establishing a statewide toll-free hotline that community residents can use to report suspected vacant and abandoned properties to the Attorney General and receive information regarding the status of registered properties, including the identity of the mortgagee or agent responsible for maintaining them; and

WHEREAS, the "Abandoned Property Neighborhood Relief Act of 2014" would help the City of Yonkers and our residents across the State better address the growing problem of vacant and abandoned residential properties by ensuring that homeowners are provided with clear and early notice that they are legally entitled to remain in their homes until ordered to leave by a court; and;

NOW THEREFORE, BE IT RESOLVED, that the City of Yonkers calls on the Governor, the New York State Assembly and the New York State Senate to promptly enact the "Abandoned Property Neighborhood Relief Act of 2014;" and

BE IT FURTHER RESOLVED, that the City Clerk shall is hereby directed to transmit copies of this Resolution to the Governor, the New York State Assembly and the New York State Senate.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, JUNE 10, 2014 BY A VOTE OF 7-0.

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RESOLUTION NO.69-2014

14. BY COUNCIL PRESIDENT MCLAUGHLIN, MAJORITY LEADER LARKIN, MINORITY LEADER SABATINO, COUNCILMEMBERS JOHNSON, PINEDA, SHEPHERD AND BREEN:

WHEREAS, in Southwest Yonkers there is a high concentration of businesses and private residences; and

WHEREAS, the commercial activity in Southwest Yonkers results in insufficient parking availability for the neighborhood, particularly for the community surrounding the Father Pat Carroll Green Homes and along the Ashburton Avenue corridor; and

WHEREAS, the parking issue discourages potential tenants and forces current tenants to move, resulting in significant financial hardship to the surrounding landlords; and

WHEREAS, there has been significant residential growth in the area without an adequate and appropriate increase in the availability of parking spaces for residents; and

WHEREAS, in an effort to improve the quality of life in the residential community in Southwest Yonkers, the City Council with the Yonkers Police Department and Traffic Engineering Department recommend the enactment of a Residential Parking Permit system for the neighborhood, similar to Parking Permit systems already established in the communities surrounding the Tibbetts Brook Park, Garrett Park, and Yonkers Raceway/Empire City Neighborhoods.

NOW, THEREFORE BE IT RESOLVED THAT, the City Council of Yonkers calls upon the City's Planning Department to develop a residential parking system to alleviate the parking problems of the residents in the aforementioned communities; and

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BE IT FURTHER RESOLVED THAT, once a plan for the parking system is created, the City shall seek a home rule seeking permission from New York State to create and implement the parking system.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, JUNE 10, 2014 BY A VOTE OF 7-0.

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COMMITTEE REPORTS

THIS MEETING WAS ADJOURNED AT 8:35PM